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April 18, 2017

VIA FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request

Dear Sir or Madam:

On behalf of Public Citizen, Inc., and pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I request from the Environmental Protection Agency (EPA or “agency”):

1. Any and all requests for technical assistance from or on behalf of a member of Congress to the EPA, and any and all responses to such request(s) (including cover letters, acknowledgments, preliminary responses, partial responses, and/or final responses), for the period of time from January 20, 2017, through the date of processing this request.
2. Any and all emails and/or memos between Byron Brown, Deputy Chief of Staff, and other EPA staff concerning requests for technical assistance from or on behalf of a member of Congress, for the period of time from January 20, 2017, through the date of processing this request.

If it is your position that responsive records exist but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for the denial for each record being withheld. In addition, please provide the nonexempt portions of the records. Public Citizen seeks each record *in its entirety*. Accordingly, please do not redact portions of any record as “non-responsive,” “out of scope,” or the like. Furthermore, Public Citizen requests the records constituting the entire documents containing the responsive information, including any and all information in the documents that the agency may consider “non-responsive.”

I request that any records produced in response to this request be provided in electronic form wherever possible, in the form and format in which they are maintained by the agency.

Public Citizen requests that all fees in connection with this FOIA request be waived in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) because Public Citizen does not seek the records for a commercial purpose and disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” The records requested will contribute to the public’s understanding of whether the administration has barred agency officials from responding to requests for technical assistance from Democratic members of Congress. A recent article in the *Washington Post* suggested that such a gag order had been implemented. See Darryl Fears, *Democrats fear that Trump has barred key federal workers from speaking to them*, Washington Post, April 15, 2017, http://wapo.st/2ogeE6l?tid=ss_tw.

Public Citizen, which has over 400,000 members and supporters, is a nonprofit research, litigation, and advocacy organization that represents the public interest before Congress, the executive branch, and the courts. It fights for openness and democratic accountability in government; for social and economic justice in globalization and trade policies; for clean, safe and sustainable energy; for strong health, safety and environmental protections; for safe, effective and affordable medicines and health care; and for the right of consumers to seek redress in the courts.

Public Citizen does not have a commercial interest in the requested records; it intends to share information received from this request with the public free of charge. It regularly publishes reports based upon information acquired through FOIA. (For examples of publications distributed through the website, see the reports published on the “Government Reform Key Reports” webpage, <http://www.citizen.org/Page.aspx?pid=2917>, such as “Super Connected: Outside Groups’ Devotion to Individual Candidates Undercuts Assumption in *Citizens United* That Outside Spending Would Be Independent” (Jan. 14, 2015), <http://www.citizen.org/superconnected>.) Public Citizen also has a demonstrated capacity to disseminate this information. Public Citizen has several full-time staff dedicated to distributing its publications through its website, which includes a Government Reform webpage (Public Citizen’s Government Reform webpage, <http://www.citizen.org/Page.aspx?pid=533>), its newsletters, Twitter (Public Citizen’s Twitter page, https://twitter.com/Public_Citizen), Facebook (Public Citizen’s Facebook page, <https://www.facebook.com/publiccitizen>), email listserv, and press releases. Many of Public Citizen’s reports, petitions, or other research products grab headlines in major newspapers, broadcast media, social media, and academic journals. See, e.g., 2010 report: “Lies, Damn Lies and Export Statistics How

Corporate Lobbyists Distort Record of Flawed Trade Deals” discussed in: Sewell Chan, *In the Form of a Study, a Salvo From the Left Questions Obama’s Trade Goals*, N.Y. Times, Sept. 14, 2010, <https://nyti.ms/2koGjEC>; 2014 Report: “Mission Creep-y: Google Is Quietly Becoming One of the Nation’s Most Powerful Political Forces While Expanding Its Information-Collection Empire” discussed in: Alistair Barr, *Consumer Group Questions Google’s Breadth, Influence*, Wall St. J. Blog, Nov. 13, 2014, <http://on.wsj.com/1BgWmGZ/>. Public Citizen maintains four blogs (Citizen Vox, <http://www.citizenvox.org>; Consumer Law & Policy Blog, <http://pubcit.typepad.com/>; Eyes on Trade, <http://citizen.typepad.com/eyesontrade/>; and Texas Vox, <http://www.texasvox.org/>), publishes a bi-monthly newspaper (Public Citizen’s News, http://www.citizen.org/pc_news_issues/2015/), and issues frequent press releases (Press releases, <http://www.citizen.org/Page.aspx?pid=2181>). Nearly every day, print and broadcast media around the world mention Public Citizen or quote its experts. See Maggie Severns and Isaac Arnsdorf, *The Trump lobbying purge that wasn’t*, Politico, Jan. 18, 2017, <http://politi.co/2j7kcOL>; Eric Lipton and Susann Craig, *Trump Sons Forge Ahead Without Father, Expanding and Navigating Conflicts*, N.Y. Times, Feb. 12, 2017, <https://nyti.ms/2kzYqEg>. An archive of many of these news stories is available on its website: Public Citizen Media Hits, <http://www.citizen.org/Page.aspx?pid=4987>. Public Citizen also makes its experts available to speak to the media, at conferences, and to testify before Congress (Public Citizen’s Experts, <http://www.citizen.org/Page.aspx?pid=2499>).

Accordingly, I request that you waive all fees for locating and duplicating the requested records because Public Citizen is entitled to a public interest fee waiver. If, however, a waiver is not granted, please advise me of the amount of any proposed search, review, and reproduction charges before you conduct those activities.

I expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me by phone at (202) 588-1000 or by e-mail at arosenbaum@citizen.org.

Thank you very much for your attention to this matter.

Sincerely,

Adina Rosenbaum
Public Citizen, Inc.